

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>D. EDWARD HAYS, #162507 ehays@marshackhays.com DAVID A. WOOD, #272406 dwood@marshackhays.com TINHO MANG, #322146 tmang@marshackhays.com MARSHACK HAYS WOOD LLP 870 Roosevelt Irvine, California 92620 Telephone: (949) 333-7777</p> <p><input type="checkbox"/> Individual appearing without an attorney <input checked="" type="checkbox"/> Attorney for: LARRY D. SIMONS, Ch. 7 Trustee</p>	<p>FOR COURT USE ONLY</p>
<p>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - RIVERSIDE DIVISION</p>	
<p>In re: BETTER NUTRITIONALS, LLC,</p>	<p>CASE NO.: 6:22-bk-14723-MH CHAPTER: 7</p>
<p>NOTICE OF LODGMENT OF ORDER IN BANKRUPTCY CASE RE: (<i>title of motion</i>¹): Motion to Approve Compromise with Goli Nutrition, Inc. (Canada)</p>	
Debtor(s)	

PLEASE TAKE NOTE that the order titled Order Granting Chapter 7 Trustee's Motion to Approve Compromise with Goli Nutrition, Inc., (Canada); Authorizing Release of Client Trust Funds From Debtor's Counsel

was lodged on (date) 10/18/2024 and is attached. This order relates to the motion which is docket number 1053.

¹ Please abbreviate if title cannot fit into text field.



Bankruptcy LODGED ORDER UPLOAD FORM

Friday, October 18, 2024

CONFIRMATION :

Your Lodged Order Info:

([11311448.doc](#))

A new order has been added

- **Office:** Riverside
- **Case Title:** Better Nutritionals, LLC
- **Case Number:** 22-14723
- **Judge Initial:** MH
- **Case Type:** bk (Bankruptcy)
- **Document Number:** 1053
- **On Date:** 10/18/2024 @ 02:06 PM

Thank You!

United States Bankruptcy Court
Central District of California
Edward R. Roybal Federal Building and Courthouse
255 East Temple Street
Los Angeles, CA 90012

1 D. EDWARD HAYS, #162507
ehays@marshackhays.com
2 DAVID A. WOOD, #272406
dwood@marshackhays.com
3 TINHO MANG, #322146
tmang@marshackhays.com
4 MARSHACK HAYS WOOD LLP
870 Roosevelt
5 Irvine, California 92620
Telephone: (949) 333-7777
6 Facsimile: (949) 333-7778

7 General Counsel for Chapter 7 Trustee,
LARRY D. SIMONS

8

9 UNITED STATES BANKRUPTCY COURT

10 CENTRAL DISTRICT OF CALIFORNIA - RIVERSIDE DIVISION

11

12 In re
13 BETTER NUTRITIONALS, LLC,
14 Debtor.

Case No. 6:22-bk-14723-MH

Chapter 7

15 ORDER GRANTING CHAPTER 7
16 TRUSTEE'S MOTION TO APPROVE
17 COMPROMISE WITH GOLI NUTRITION,
18 INC. (CANADA); AUTHORIZING
19 RELEASE OF CLIENT TRUST FUNDS
20 FROM DEBTOR'S COUNSEL

21 Hearing:

Date: October 9, 2024

Time: 11:00 a.m.

Ctrm: 301

Address: 3420 Twelfth Street
Riverside, CA 92501

21 On October 9, 2024, the Court conducted a hearing on the motion filed by Larry D. Simons,
22 in his capacity as the chapter 7 trustee ("Trustee") for the bankruptcy estate ("Estate") of Better
23 Nutritionals, LLC ("Debtor"), to approve a settlement and compromise with Goli Nutrition, Inc.
24 (Canada) ("Goli"), filed on June 19, 2024, as Docket No. 1053 ("Goli Settlement Motion"). At the
25 hearing, Tinho Mang of Marshack Hays Wood LLP appeared on behalf of the Trustee, who was also
26 present. Latisha V. Thompson of Morrison Cohen LLP appeared on behalf of Goli. David
27 Haberbusch appeared on behalf of creditor and objecting party Sharon Hoffman ("Hoffman"), who
28 was also present in the courtroom. All other appearances were as noted on the record.

1 As stated on the record, the Court has read and considered the Motion and evidence attached
2 to the Motion, the memorandum of points and authorities filed by Hoffman on July 16, 2024, as
3 Docket No. 1064, which was previously stricken by order entered as Docket No. 1079, the Trustee's
4 initial reply filed on July 24, 2024, as Docket No. 1074, the statements of the parties and counsel on
5 the record at the initial hearing on July 31, 2024, and the further supplement filed by the Trustee on
6 August 14, 2024, as Docket No. 1082 and evidence and declarations attached thereto, the further
7 opposition filed by Hoffman on September 23, 2024, as Docket No. 1105, and the Trustee's further
8 reply filed on October 2, 2024, as Docket No. 1122. The Court has also noted the stipulations
9 between Trustee and Hoffman to continue the hearing on the Goli Settlement Motion, which are
10 Docket Nos. 1057 [6/28/2024] and 1107 [9/26/2024]. At the hearing, the Court considered the
11 documents and evidence filed by the Trustee and Hoffman, and heard the statements of counsel and
12 the parties on the record. For the reasons stated on the record, the Court found that Trustee had
13 carried his burden of proof under Federal Rule of Bankruptcy Procedure 9019 and overruled the
14 opposition of Hoffman. Hoffman also stated a competing offer on the record, which was not
15 accepted by the Trustee and did not constitute an accepted overbid.

16 IT IS ORDERED:

- 17 1. The Motion, as supplemented, is GRANTED.
- 18 2. The settlement agreement attached to the Declaration of Larry D. Simons as Exhibit
19 "1" ("Settlement Agreement") and the mutual waivers and releases contained therein, are approved.
20 For the avoidance of doubt, the Court approves the waivers and releases as to the bankruptcy estate's
21 claims set forth in the Settlement Agreement.
- 22 3. The motion filed by Goli as Docket No. 633 seeking allowance of administrative
23 priority claims ("Goli Claim Motion") is deemed withdrawn and is resolved by settlement, with
24 prejudice. The continued hearing on November 13, 2024 at 2:00 p.m. is vacated.
- 25 4. The proof of claim filed by Goli, assigned claim number 197-1, is deemed waived
26 and released in its entirety, with prejudice.
- 27 5. In accordance with paragraph 2(c) of the Agreement, the \$158,358.80 of funds (the
28 "Funds") currently held in the trust account of Danning, Gill, Israel & Krasnoff, LLP ("Danning

1 Gill”), pursuant to this Court’s prior *Order Granting Motion for Order (1) Authorizing Debtor to*
2 *Sell Approximately 1.2 Million Bottles of Aged Inventory Free and Clear of Liens, and (2) Waiving*
3 *the 14-Day Stay (docket no. 252)* is deemed to constitute property of the Estate not subject to any
4 claim, lien or encumbrance by Goli or its predecessor/successor. Danning Gill is hereby authorized
5 and directed to turn over the Funds to the Trustee. The Trustee is authorized but not directed to take
6 all necessary actions to enforce the terms and conditions of the Settlement.

7 6. This Court has sole jurisdiction to interpret, enforce, and adjudicate any issues arising
8 out of the Agreement.

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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 870 Roosevelt, Irvine, CA 92620.

A true and correct copy of the foregoing document entitled: **NOTICE OF LODGMENT OF ORDER IN BANKRUPTCY CASE** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On October 18, 2024, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL: On _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

RTD 07/05/23 UTF
DEBTOR
BETTER NUTRITIONALS, LLC
3390 HORSELESS CARRIAGE DRIVE
NORCO, CA 92860-3635

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL: Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on October 18, 2024, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

VIA OVERNIGHT MAIL: PRESIDING JUDGE'S COPY HONORABLE MARK D. HOULE UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA 3420 TWELFTH STREET, SUITE 325 / COURTROOM 301 RIVERSIDE, CA 92501-3819	VIA EMAIL: LATISHA V. THOMPSON lthompson@morisoncohen.com	VIA EMAIL: MAX FOLKENFLIK mfolkenflik@fmlaw.net
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Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

October 18, 2024
Date

Layla Buchanan
Printed Name

/s/ Layla Buchanan
Signature

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): CONTINUED:**

- **ATTORNEY FOR CREDITOR CONTEMPORARY HEATING & AIR CONDITIONING, INC.:** Matthew R Agren magren@agrenlaw.com
- **INTERESTED PARTY COURTESY NEF:** Natalie A Alvarado alvarado.natalie@gmail.com
- **ATTORNEY FOR INTERESTED PARTY GOLI NUTRITION, INC.:** Todd M Arnold tma@lnbyg.com
- **ATTORNEY FOR CREDITOR SUITABLE STAFFING SOLUTIONS:** Marshall J August maugust@frandzel.com, rsantamaria@frandzel.com
- **INTERESTED PARTY COURTESY NEF:** Jessica L Bagdanov jbagdanov@bg.law, ecf@bg.law
- **INTERESTED PARTY COURTESY NEF:** Reem J Bello rbello@goeforlaw.com, kmurphy@goeforlaw.com
- **OTHER PROFESSIONAL MICHAEL JAY BERGER:** Michael Jay Berger michael.berger@bankruptcypower.com, yathida.nipha@bankruptcypower.com; michael.berger@ecf.inforuptcy.com
- **INTERESTED PARTY COURTESY NEF:** Richard Dennis Buckley, Jr rbuckley@safarianchoi.com
- **ATTORNEY FOR CREDITOR SHARON HOFFMAN:** Max Casal mcasal@shulmanbastian.com, avernon@shulmanbastian.com
- **ATTORNEY FOR DEFENDANT KEVIN WESTBERG:** Stephanie Chau schau@carltonfields.com, darlajones@carltonfields.com
- **ATTORNEY FOR CREDITOR ORACLE AMERICA, INC.:** Shawn M Christianson cmcintire@buchalter.com, schristianson@buchalter.com
- **INTERESTED PARTY COURTESY NEF:** Kelly Clark kclark@stibbsco.com
- **ATTORNEY FOR CREDITOR ALPHA PACKAGING, INC.:** Claudia Coleman ccoleman@atllp.com, ccoleman@ecf.courtdrive.com
- **ATTORNEY FOR CREDITOR CIGNA HEALTH AND LIFE INSURANCE COMPANY:** Andrew Michael Cummings andrew.cummings@hklaw.com, philip.dobbs@hklaw.com; hapi@hklaw.com; reena.kaur@hklaw.com
- **ATTORNEY FOR DEBTOR BETTER NUTRITIONALS, LLC:** Aaron E. DE Leest adeleest@DanningGill.com, danninggill@gmail.com; adeleest@ecf.inforuptcy.com
- **ATTORNEY FOR CREDITOR ALLIED UNIVERSAL SECURITY SERVICES:** Jamie L Edmonson jedmonson@rc.com, lshaw@rc.com
- **INTERESTED PARTY COURTESY NEF:** Jeremy Faith Jeremy@MarguliesFaithlaw.com, Helen@MarguliesFaithlaw.com; Angela@MarguliesFaithlaw.com; Vicky@MarguliesFaithlaw.com
- **ATTORNEY FOR CREDITOR TOTAL TRANSPORTATION LOGISTICS, INC.:** William P Fennell william.fennell@fennelllaw.com, luralene.schultz@fennelllaw.com; wpf@ecf.courtdrive.com; naomi.cwalinski@fennelllaw.com; samantha.larimer@fennelllaw.com
- **ATTORNEY FOR US TRUSTEE:** Abram Feuerstein abram.s.feuerstein@usdoj.gov
- **INTERESTED PARTY COURTESY NEF:** Adam R. Fracht afracht@stibbsco.com
- **ATTORNEY FOR DEBTOR BETTER NUTRITIONALS, LLC:** Danielle R Gabai dgabai@danninggill.com, dgabai@ecf.courtdrive.com
- **ATTORNEY FOR CREDITOR RITE STAFF, INC.:** Beth Gaschen bgaschen@go2.law, kadele@go2.law; cmeeker@go2.law; cyoshonis@go2.law; bgaschen@ecf.courtdrive.com; dfitzgerald@go2.law
- **INTERESTED PARTY COURTESY NEF:** David L. Gay dgay@carltonfields.com, cguzman@carltonfields.com
- **ATTORNEY FOR CREDITOR SOUTHWEST MATERIAL HANDLING, INC. dba SOUTHWEST TOYOTA LIFT:** Robert P Goe kmurphy@goeforlaw.com, rgoe@goeforlaw.com; goeforecf@gmail.com
- **ATTORNEY FOR INTERESTED PARTY CINTAS CORPORATION:** Ronald E Gold rgold@fbtlaw.com, eseverini@fbtlaw.com; jkleisinger@fbtlaw.com
- **ATTORNEY FOR INTERESTED PARTY CHARLOTTE'S WEB HOLDINGS, INC.:** Eric D Goldberg eric.goldberg@dlapiper.com, eric-goldberg-1103@ecf.pacerpro.com
- **ATTORNEY FOR INTERESTED PARTY POLYGON US CORPORATION:** Jeffrey M Goldman goldmanj@pepperlaw.com, allenjs@pepperlaw.com
- **ATTORNEY FOR INTERESTED PARTY NATROL LLC:** Richard H Golubow rgolubow@wghlawyers.com, jmartinez@wghlawyers.com; svillegas@wghlawyers.com

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- **INTERESTED PARTY COURTESY NEF:** Michael J Gomez mgomez@frandzel.com, dmoore@frandzel.com
- **ATTORNEY FOR CREDITOR RITE STAFF, INC.:** David M Goodrich goodrich@go2.law, kadele@go2.law; dfitzgerald@go2.law; wggllp@ecf.courtdrive.com
- **ATTORNEY FOR US TRUSTEE:** Everett L Green everett.l.green@usdoj.gov
- **ATTORNEY FOR SHARON HOFFMAN AND ODELYA HOFFMAN:** David R Haberbush dhaberbush@lbinsolvency.com, ahaberbusch@lbinsolvency.com, abostic@lbinsolvency.com, vhaberbush@lbinsolvency.com, haberbush.assistant@gmail.com, jborin@lbinsolvency.com, lbogard@lbinsolvency.com
- **ATTORNEY FOR CREDITOR TOTAL TRANSPORTATION LOGISTICS, INC.:** Hala Hammi hala.hammi@fennelllaw.com, wpf@ecf.courtdrive.com; samantha.larimer@fennelllaw.com; naomi.cwalinski@fennelllaw.com; office@fennelllaw.com; Brendan.Bargmann@fennelllaw.com
- **ATTORNEY FOR CHAPTER 7 TRUSTEE LARRY D SIMONS (TR):** D Edward Hays ehays@marshackhays.com, ehays@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com; cmendoza@marshackhays.com; cmendoza@ecf.courtdrive.com
- **INTERESTED PARTY COURTESY NEF:** Mark S Horoupiant mark.horoupiant@gmlaw.com, mhoroupiant@ecf.courtdrive.com; cheryl.caldwell@gmlaw.com; karen.files@gmlaw.com
- **ATTORNEY FOR CREDITOR FRANCHISE TAX BOARD:** Kevin Hutty BKClaimConfirmation@ftb.ca.gov
- **ATTORNEY FOR PLAINTIFF HARCO NATIONAL INSURANCE COMPANY:** Robert A Hyatt rhyatt@dykema.com, BChude@dykema.com; PGarga@dykema.com; kforrand@dykema.com; JWard@dykema.com; DocketLA@dykema.com
- **ATTORNEY FOR CREDITOR SERVICON SYSTEMS, INC.:** Nicolino Iezza niezza@spiwakandiezza.com
- **ATTORNEY FOR INTERESTED PARTY GOLI NUTRITION, INC.:** Eve H. Karasik ehk@lnbyg.com
- **INTERESTED PARTY COURTESY NEF:** Duane Kumagai dkumagai@mkpc.law, mshabpareh@maynardcooper.com
- **ATTORNEY FOR CREDITOR WASTE MANAGEMENT, INC.:** Tara LeDay tleday@mvtbalaw.com
- **ATTORNEY FOR CREDITOR DE LAGE LANDEN FINANCIAL SERVICES, INC.:** Joseph Howard Lemkin jlemkin@stark-stark.com
- **ATTORNEY FOR CHAPTER 7 TRUSTEE LARRY D SIMONS (TR):** Daniel A Lev daniel.lev@gmlaw.com, cheryl.caldwell@gmlaw.com; dlev@ecf.courtdrive.com
- **ATTORNEY FOR CHAPTER 7 TRUSTEE LARRY D SIMONS (TR):** Tinho Mang tmang@marshackhays.com, tmang@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com; cmendoza@ecf.courtdrive.com
- **ATTORNEY FOR OTHER PROFESSIONAL BEYOND RESOURCE SOLUTIONS, INC.:** Daniel J McCarthy dmccarthy@hillfarrer.com, spadilla@hillfarrer.com; nchacon@hfbllp.com
- **ATTORNEY FOR CREDITOR IMPACT NETWORKING, LLC:** David W. Meadows avid@davidwmeadowslaw.com
- **INTERESTED PARTY COURTESY NEF:** Tania M Moyron tania.moyron@dentons.com, malka.zeefe@dentons.com; kathryn.howard@dentons.com; derry.kalve@dentons.com; glenda.spratt@dentons.com; DOCKET.GENERAL.LIT.LOS@dentons.com
- **ATTORNEY FOR CREDITOR ARAMARK SERVICES, INC.:** Michael S Myers myersm@ballardspahr.com, BKTDOCKET_West@ballardspahr.com; PHXLitLAs@ballardspahr.com
- **ATTORNEY FOR INTERESTED PARTY GOLO, LLC:** Samuel A Newman sam.newman@sidley.com, samuel-newman-2492@ecf.pacerpro.com; laefilingnotice@sidley.com
- **INTERESTED PARTY COURTESY NEF:** Ryan D O'Dea rodea@shulmanbastian.com, lgauthier@shulmanbastian.com
- **ATTORNEY FOR OFFICIAL COMMITTEE OF UNSECURED CREDITORS and FINANCIAL ADVISOR DUNDON ADVISERS, LLC:** Keith C Owens kowens@foxrothschild.com, khoang@foxrothschild.com
- **ATTORNEY FOR INTERESTED PARTY GOLI NUTRITION, INC.:** Carmela Pagay ctp@lnbyg.com
- **ATTORNEY FOR INTERESTED PARTY GOLI NUTRITION, INC.:** Daniel H Reiss dhr@lnbyg.com, dhr@ecf.inforuptcy.com
- **INTERESTED PARTY COURTESY NEF:** Matthew D. Resnik Matt@rhmfirm.com, roksana@rhmfirm.com; rosario@rhmfirm.com; sloan@rhmfirm.com; priscilla@rhmfirm.com; rebecca@rhmfirm.com; david@rhmfirm.com; susie@rhmfirm.com; max@rhmfirm.com; russ@rhmfirm.com
- **ATTORNEY FOR US TRUSTEE (RS):** Cameron C Ridley Cameron.Ridley@usdoj.gov

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- **INTERESTED PARTY COURTESY NEF:** Samuel J Romero sromero@carnolaw.com, drobison@carnolaw.com
- **ATTORNEY FOR INTERESTED PARTY GOLI NUTRITION, INC.:** Joseph M Rothberg jmr@lnbyg.com, jmr.LNBYG@ecf.inforuptcy.com
- **ATTORNEY FOR CREDITOR THE FLAVOR FACTORY:** Valerie J Schratz vschratz@hallgriffin.com, cbrown@hallgriffin.com
- **ATTORNEY FOR CREDITOR CHANCEY MARTIN CORPORATION dba TARAL PLASTICS:** Yaron Shaham yshaham@kahanafeld.com, crico@mcglinchey.com; selizondo@mcglinchey.com
- **INTERESTED PARTY COURTESY NEF:** Leonard M Shulman lshulman@shulmanbastian.com, bcabrera@shulmanbastian.com; yrivera@shulmanbastian.com
- **CHAPTER 7 TRUSTEE LARRY D SIMONS (TR):** Larry D Simons larry@lsimonslaw.com, c119@ecfcbis.com; nancy@lsimonslaw.com; simonsecf@gmail.com; kareng@lsimonslaw.com
- **ATTORNEY FOR INTERESTED PARTY CITISTAFF SOLUTIONS INC.:** Charles C Slater cslater@citistaffsolutions.com, jpogosian@citistaffsolutions.com
- **ATTORNEY FOR CREDITOR TOTAL TRANSPORTATION LOGISTICS, INC.:** Evan R Sorem evan.sorem@fennelllaw.com, luralene.schultz@fennelllaw.com; samantha.larimer@fennelllaw.com; Naomi.Cwalinski@fennelllaw.com
- **ATTORNEY FOR OFFICIAL COMMITTEE OF UNSECURED CREDITORS:** Michael A Sweet msweet@foxrothschild.com, khoang@foxrothschild.com
- **ATTORNEY FOR DEBTOR NUTRITIONALS, LLC:** John N Tedford, IV jtedford@DanningGill.com, danninggill@gmail.com; jtedford@ecf.courtdrive.com
- **ATTORNEY FOR CREDITOR ATOS IT SOLUTIONS AND SERVICES, INC.:** Thomas Tysowsky thomas.tysowsky@bakermckenzie.com, carmen.ayala@bakermckenzie.com
- **US TRUSTEE:** United States Trustee (RS) ustpregion16.rs.ecf@usdoj.gov
- **INTERESTED PARTY COURTESY NEF:** Rebecca M Wicks rebecca.wicks@dentons.com, docket@buchalter.com
- **INTERESTED PARTY COURTESY NEF:** Christopher K.S. Wong christopher.wong@afslaw.com, yvonne.li@arentfox.com; kevin.chen@afslaw.com
- **ATTORNEY FOR TRUSTEE LARRY D SIMONS (TR):** David Wood dwood@marshackhays.com, dwood@ecf.courtdrive.com; lbuchananmh@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com
- **ATTORNEY FOR INTERESTED PARTY CINTAS CORPORATION:** S Christopher Yoo cyoo@fbtlaw.com, vdelgado@fbtlaw.com
- **ATTORNEY FOR CREDITOR IXOREAL BIOMED INC.:** John D Zemanek jz@zmlawpc.com

4854-0753-1244, v. 1